

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION**

EMMANUEL MILLER, Plaintiff)	
)	
v.)	No. 1:20-cv-00183-RAL
)	
OFFICER VICTORY, JOHN DOE)	RICHARD A. LANZILLO
DISTRICT ATTORNEY,)	UNITED STATES MAGISTRATE JUDGE
Defendants)	

HEARING MEMO/MINUTE ORDER

Hearing Date:	July 14, 2022
Time:	9:00 AM until 9:26 AM
Type of Conference:	Status Conf.
Reporter:	Janis Ferguson
Deputy Clerk/Law Clerk:	Mason D. Bracken

Counsel for Plaintiff

pro se

Counsel for Defendant

Elizabeth F. Collura, Esq.

Orders, Remarks, Instructions

A telephonic status conference was conducted via the Court's AT&T conference call service.

The Court addressed Plaintiff's pending motions as summarized below.

The Court construed Plaintiff's "Motion for Additional Fact Findings Under Rule 52(b)" at ECF No. 31 as a motion to supplement his complaint and GRANTED that motion. Exhibits A, B, C, and D to the motion will be considered as supplements to the complaint.

The Court DENIED Plaintiff's motions "for Additional Factual Findings Under Rule 50" at ECF Nos. 32, 33, and 38 because they were not in the nature of supplements to his complaint and had no exhibits attached. The legal arguments contained within will be considered when deciding Defendant Victory's motion to dismiss.

The Court DENIED Plaintiff's "Motion for Objection to the Defendants" at ECF No. 43 as moot

because Plaintiff moved in opposition to Defendant Victory's motion for extension of time after the Court had already granted Victory's motion.

The Court construed Plaintiff's "Motion for Summary Relief Pursuant to Rule 1098" at ECF No. 44 as a motion for summary judgment and DENIED that motion as not properly supported and premature.

Plaintiff's Motion for Default Judgment against Defendant Victory at ECF No. 54 was DENIED because Victory has responded to the complaint with a Rule 12(b)(6) motion and thus is not in default.

The Court heard from Plaintiff regarding his knowledge of the Defendant District Attorney (likely a Jane Doe).

The Court also heard further explanation from Plaintiff about his claims.

The Court will rule on Defendant Victory's motion to dismiss at ECF No. 49 in due course.